

## **REMARKS**

Applicants have carefully examined the Office Action of June 9, 2008, in which claims 74, 77 through 84, 87 through 91, 130 through 133 and 140 through 144 are pending in the application and had been rejected. Applicants respectfully request re-examination in light of the above amendments and following remarks.

### ***Claim Amendments***

Independent claims 74, 80, 84, and 89 have been amended to more particularly claim the invention. In particular, these claims have been amended to remove any perceived ambiguity as to whether the catheter shaft region claimed can be part of a balloon. Claims 144-153 have been added. Support for these claim amendments and for the new claims may be found, for example, in figure 1 and the accompanying portion of the specification. In particular, support for claims 150-153 may be found, for example, toward the end of paragraph 90 of the specification as published. Certain other claims have been amended to update the dependencies from the amended claims. No new matter has been introduced.

### ***Claim Rejections***

Claims 74, 77, 78, 80-82, 140 and 141 were rejected under 35 USC 102(b) has been anticipated by Pinchuk et al., USPN 6,110,142 (hereinafter "Pinchuk"). Applicants respectfully traverse the rejection.

In paragraph 3 of the rejection, the examiner argues that Pinchuk teaches a component comprising a polyamide as claimed, and that the recitation "other catheter shaft" is given little patentable weight and because the present claim language does not structurally distinguish the claimed invention from that which is taught by the prior art.

Applicants submit that the current language of claim 74, as amended in this response, does structurally distinguish the claimed invention from that which is taught by the prior art. Pinchuk teaches a polyamide component that is a balloon. Applicants can find no reference in Pinchuk to a polyamide component that is not a balloon. Therefore, language in claim 74 such as "wherein the region is at least partially disposed proximally of the proximal end of the balloon", a balloon "disposed on the catheter shaft such that a length of the catheter shaft

extending between the proximal end of the catheter shaft and the proximal end of the balloon has no balloons attached thereto" is language that clearly structurally distinguishes the claimed invention from Pinchuk. Moreover, applicants believe that using a polyamide as claimed as a shaft component, as distinct from a balloon component, is not suggested by the prior art. Applicants therefore submit that claim 74 is allowable over Pinchuk. As amended independent claim 80 contains the language of "wherein the tube shaped portion is not a component of a balloon", applicants believe this claim is allowable for similar reasons. As claims 77, 78, 81-82, 140-141 depends from one of claims 74 or 80 and contain additional limitations, applicants submit that these claims are likewise allowable.

Claim 84, 88, 89, 91, 132, 133, 142 and 143 were rejected under 35 USC 102(b) has been anticipated by Burgmeier, USPN 6,200,290. Applicants respectfully traverse this rejection.

First, Burgmeier like Pinchuk teaches the claimed polyamide component only as a balloon. Independent claims 84 and 89, like independent claims 74 and 80, have been amended to make it clear that the polyamide region claimed is not a balloon component. Therefore, for the reasons discussed above with respect to claim 74, applicants submit that these claims are allowable over Burgmeier.

Second, both independent claims recite "a wall thickness of about 0.001 inch to about 0.04 inch." The examiner argues that this feature is disclosed by Burgmeier in Table 1. Applicants disagree. The heading on the columns in table 1 are "Double Centerwall Thickness", "Double Proximal Wall Thickness", "Double Distal Wall Thickness". The reported values are, therefore, not the wall thicknesses but double the wall thicknesses. Such a reported measurement makes sense if the wall thicknesses are measured using a manual instrument such as a calipers. The maximum reported wall thickness is not 0.001450, the double proximal wall thickness of balloon number 10 but half that, 0.000725. This is substantially less than the wall thickness claimed in these claims. Applicants therefore submit that Burgmeier fails to anticipate independent claims 84 or 89, or claims 88, 91, 132, 133, 142 or 143, which depend therefrom and contain additional elements and because Burgmeier does not disclose the element of "a wall thickness of about 0.001 inch to about 0.04 inch."

Claims 79 and 83 were rejected under 35 USC 103(a) as being unpatentable over Pinchuk in view of Burgmeier. Applicants respectfully traverse the rejection. As discussed above, neither reference teaches a polyamide region as claimed because neither reference teaches a polyamide region other than as part of a balloon. Because claims 79 and 83 depend from one of claims 74 and 80, which applicants submit are allowable, and contain additional elements, applicants submit that these claims are also in condition for allowance.

Claims 87 and 90 were rejected under 35 USC 103(a) as being unpatentable over Burgmeier in view of Pinchuk. Applicants respectfully traverse the rejection. Because claims 87 and 90 depend from one of claims 84 and 89, which applicants submit are allowable, and contain additional elements, applicants submit that these claims are also in condition for allowance.

Newly presented claims 144-153 are believed to be allowable for at least the reason that they depend directly or indirectly from claims 74, 80, 84 and 89, which applicants believe to be allowable, and contain additional limitations.

### ***Status of Drawings***

The formal drawings submitted on March 15, 2004 were rejected in a Notice of Noncompliant Amendment of December 22, 2004. This notice was responded to on January 21, 2005. The next office action, that of October 6, 2005, does not indicate whether the drawings of January 21, 2005 were accepted. They appear to have been overlooked. Applicants therefore request that the examiner indicate whether the drawings submitted on January 21, 2005 are accepted.

***Conclusion***

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,  
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By their Attorney,

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